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प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में मिला पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 20th August, 1969:—

BILL No. 75 of 1969

A Bill to provide for the extension of certain Central labour laws to the State of Jammu and Kashmir.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Labour Laws (Extension to Jammu and Kashmir) Act, 1969.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) The Acts mentioned in the Schedule and all rules, orders, regulations and schemes made thereunder by the Central Government are hereby extended to, and shall be in force in, the State of Jammu and Kashmir.

Extension and amendment of certain labour laws.

(2) With effect from the commencement of this Act, the Acts mentioned in the Schedule shall be amended as specified therein.

Construc-
tion of
references
to laws
not in
force in
Jammu
and
Kashmir.

3. Any reference in any Act mentioned in the Schedule to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

Construc-
tion of
references
to autho-
rities
where
new
autho-
rities have
been con-
stituted.

4. Any reference by whatever form of words in any law for the time being in force in the State of Jammu and Kashmir to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in that State shall, where a corresponding new authority has been constituted by or under any law now extended to that State, have effect as if it were a reference to the new authority.

Repeals
and
savings.

5. If immediately before the commencement of this Act there is in force in the State of Jammu and Kashmir any law corresponding to any Act now extended to that State, that law shall, save as otherwise expressly provided in this Act, stand repealed on such commencement:

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder,

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed,

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provisions of the Act now extended to that State, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Power to
remove
difficul-
ties.

6. (1) If any difficulty arises in giving effect to the provisions of any Act now extended to the State of Jammu and Kashmir, the Central Government may, as occasion may require, by order notified in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of such Act, as appear to it necessary for the removal of the difficulty:

Provided that no such order shall be made under this section after the expiration of two years from the date on which this Act comes into force.

(2) In particular, and without prejudice to the generality of the foregoing power, any such notified order may—

(a) specify the corresponding authorities within the meaning of section 4,

(b) provide for the transfer of any matter pending immediately before the commencement of this Act before any court, tribunal or other authority, to any corresponding court, tribunal or other authority for disposal,

(c) specify the areas or circumstances in which, or the extent to which, or the conditions subject to which, anything done or any action taken (including any of the matters specified in the second proviso to section 5) under any law repealed by that section shall be recognised or given effect to under the corresponding provision of the Act now extended.

THE SCHEDULE

(See section 2)

ACTS

THE WORKMEN'S COMPENSATION ACT, 1923

(8 OF 1923)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

Section 3.—In sub-section (3), omit “within the State or the territories to which this Act extends, as the case may be,”.

THE TRADE UNIONS ACT, 1926

(16 OF 1926)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

Section 16.—After sub-section (2), insert—

“(2A) In its application to the State of Jammu and Kashmir references in sub-section (2) to any legislative body constituted under the Constitution shall be construed as including references to the Legislature of that State.”.

Section 21A.—After sub-section (2), insert—

“(3) In its application to the State of Jammu and Kashmir, reference in sub-section (2) to the commencement of the Indian Trade Unions (Amendment) Act, 1964, shall be construed as reference to the commencement of this Act in the said State.”.

THE CHILDREN (PLEDGING OF LABOUR) ACT, 1933

(2 OF 1933)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE PAYMENT OF WAGES ACT, 1936

(4 OF 1936)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE EMPLOYERS' LIABILITY ACT, 1938

(24 OF 1938)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE EMPLOYMENT OF CHILDREN ACT, 1938

(26 OF 1938)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

Section 3B.—Re-number section 3B as sub-section (1) of that section and after sub-section (1) as so re-numbered, insert—

“(2) In its application to the State of Jammu and Kashmir, reference to the 1st day of October, 1939, shall be construed as reference to the commencement of this Act in the said State.”.

THE WEEKLY HOLIDAYS ACT, 1942

(18 OF 1942)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

(20 OF 1946)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE INDUSTRIAL DISPUTES ACT, 1947

(14 OF 1947)

Section 1.—In sub-section (2), omit the proviso.

THE COAL MINES LABOUR WELFARE FUND ACT, 1947

(32 OF 1947)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE MINIMUM WAGES ACT, 1948

(11 OF 1948)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE EMPLOYEES' STATE INSURANCE ACT, 1948

(34 OF 1948)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE COAL MINES PROVIDENT FUND AND BONUS SCHEMES ACT, 1948

(46 OF 1948)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE FACTORIES ACT, 1948

(63 OF 1948)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS ACT, 1955

(45 OF 1955)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE EMPLOYMENT EXCHANGES (COMPULSORY NOTIFICATION OF VACANCIES)
ACT, 1959

(31 OF 1959)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE MOTOR TRANSPORT WORKERS ACT, 1961

(27 OF 1961)

Section 1.—(a) In sub-section (2), omit “except the State of Jammu and Kashmir”.

(b) To sub-section (3), add—

“Provided that it shall come into force in the State of Jammu and Kashmir on the commencement of the Central Labour Laws (Extension to Jammu and Kashmir) Act, 1969.”.

THE MATERNITY BENEFIT ACT, 1961

(53 OF 1961)

Section 1.—In sub-section (2), omit “except the State of Jammu and Kashmir”.

THE PAYMENT OF BONUS ACT, 1965

(21 OF 1965)

Section 1.—(a) In sub-section (2), omit “except the State of Jammu and Kashmir”.

(b) To sub-section (4), add—

“Provided that in relation to the State of Jammu and Kashmir, the reference to the accounting year commencing on any day in the year 1964 and every subsequent accounting year shall be construed as reference to the accounting year commencing on any day in the year 1968 and every subsequent accounting year.”.

STATEMENT OF OBJECTS AND REASONS

In order to secure uniform application of the various labour laws to the whole of India, it has been decided, with the concurrence of the Government of Jammu and Kashmir, to extend certain labour laws to that State.

Hence the Bill.

NEW DELHI;
The 18th May, 1969.

JAISUKHLAL HATHI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to extend to the State of Jammu and Kashmir the 19 Central Labour Acts mentioned in the Schedule to the Bill. The extension of some of these Acts to that State will involve expenditure from the Consolidated Fund of India to the extent the Central Government is responsible for the administration of these Acts in the industrial establishments falling under the Central sphere. For example, the Chief Labour Commissioner (Central) is responsible for the enforcement of the provisions of—

1. The Trade Unions Act, 1926.
2. The Payment of Wages Act, 1936.
3. The Employment of Children Act, 1938.
4. The Industrial Employment (Standing Orders) Act, 1946.
5. The Industrial Disputes Act, 1947.
6. The Minimum Wages Act, 1948.
7. The Coal Mines Provident Fund and Bonus Schemes Act, 1948
(in so far as Coal Mines Bonus Schemes are concerned).
8. The Payment of Bonus Act, 1965.

Similarly the Coal Mines Welfare Commissioner is responsible for the administration of the Coal Mines Labour Welfare Fund Act, 1947. The Organisation of the Coal Mines Provident Fund administers the Provident Fund of employees in Coal Mines and ancillary industries under the provisions of the Coal Mines Provident Fund and Bonus Schemes Act, 1948, in so far as it relates to Coal Mines Provident Fund Schemes.

The Maternity Benefits Act, 1961, is administered by the Coal Mines Welfare Commissioner in the Coal Mines and by the Chief Inspector of Mines in the other Mines.

2. To the extent possible, the existing machinery of the Central Government for the enforcement of the various Labour Laws, where the responsibility for their administration vests in the Central Government, will be utilised. It will, however, be necessary to strengthen the organisation of the Chief Labour Commissioner (Central) and to set up in the State of Jammu and Kashmir an office of the Assistant Labour Commissioner (Central) and an office of Labour Enforcement Officer (Central) with some staff. This will involve creation of a few additional posts involving, on an average, an annual recurring expenditure of about Rs. 50,000 as per details given below:—

Pay of Officers	Rs. 15,000
Pay of Establishment	Rs. 7,800
Allowances and Honoraria	Rs. 20,000
Contingencies	Rs. 7,200
	<hr/>
	Rs. 50,000
	<hr/>

The expenditure likely to be incurred during the current financial year will roughly be Rs. 10,000. The position regarding the actual staff requirements however will be known only after a clear picture emerges regarding the work load involved.

3. In the case of the other organisations of the Central Government, separate whole-time staff may not be required for some time, but the officers of the enforcement machinery will have to visit the industrial establishments with which the Central Government is concerned three or four times a year and on this account, a recurring expenditure of Rs. 5,000 per annum on travelling allowances of officers is expected to be incurred. The expenditure during the current financial year is not expected to exceed Rs. 1,000.

4. The extension of the Acts to the aforesaid State of Jammu and Kashmir will, thus, involve the Central Government in an approximate recurring expenditure of Rs. 55,000 per annum. In so far as the current financial year is concerned, a sum of roughly Rs. 11,000 will be required.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to provide by order notified in the Official Gazette for the removal of difficulties that may arise in giving effect to its provisions. The Bill seeks to extend various Acts to the State of Jammu and Kashmir and it is the normal practice to insert in Bills, extending enactments to territories, a provision for the removal of difficulties which may arise in the course of transition from the old to the new state of affairs. Clause 6(2) of the Bill indicates the principal matters in respect of which orders may be issued. The delegation of legislative power, in the circumstances, is of normal character.

S. L. SHAKDHER,
Secretary.

